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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : GROSS
Serial No. : 09/338,729
Filing Date : June 23, 1999
For : COMPOSITION AND METHOD FOR TREATING SKIN
Examiner : A. Berman
Group Art Unit : 1619

Assistant Commissioner
for Patents
Washington, D.C. 20231

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on

Date: April 9, 2001

Signature: Christine M. Wilkes
Christine M. Wilkes (Reg. No. 37,967)

ELECTION OF SPECIES

In the election of species requirement dated March 8, 2001, a response to which is initially due on Monday, April 9, 2001, Applicant was directed to elect a single species from among glycolic acid, lactic acid, malic acid, tartaric acid, citric acid, mandelic acid, azelaic acid, glyceric acid, tartronic acid, gluconic acid, benzylic acid, pyruvic acid, ethylpyruvate, 2-hydroxybutyric acid, salicylic acid, mineral acid, trichloroacetic acid and ascorbic acid. Accordingly, Applicant elects the species lactic acid for prosecution on the merits. Claims 10-26, 31-44 are readable on this species. The Examiner has also indicated that claims 10-23, 32-42 and 44 are generic.

Applicant was further directed to elect a single species from among a pad, a cotton

ball and a cotton-tipped applicator. Accordingly, Applicant also elects the species of a pad for prosecution on the merits. Claims 1-33, 36-44 are readable on this species. The Examiner has further indicated that claims 1-32, 36-37, 39-40 and 43 are generic.

Upon allowance of a generic claim, Applicant respectfully requests that claims to all non-elected species be rejoined and entitled to consideration in accordance with 37 C.F.R. §


141.

The foregoing is believed to be fully responsive to the requirements set forth in the Office Action of March 8, 2001, and no fee is believed to be required herewith. However, any required fees may be charged to Deposit Account 11-0600 of Kenyon & Kenyon.

The Examiner is also invited to telephone the undersigned at 212-425-7200 if it is believed that a discussion would help to advance the prosecution of the application.

Respectfully submitted,
KENYON & KENYON

Dated: April 9, 2001


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